

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: JEFFREY BRUCE LOTSPIECH ET AL. )  
Serial No.: 10/691,361 ) Group Art Unit:  
Filed: October 21, 2003 ) 2134  
For: SYSTEM AND METHOD FOR SECURELY )  
REMOVING CONTENT OR A DEVICE FROM A ) Examiner:  
CONTENT-PROTECTED HOME NETWORK ) Tran, Ellen C.

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Commissioner for Patents  
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**REQUEST FOR PRE-APPEAL BRIEF CONFERENCE**

In response to the Final Office Action mailed October 17, 2007, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a pre-Appeal conference in view of the following remarks.

## REMARKS

In response to the Office Action dated October 17, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Prior to discussing the rejections in detail, a summary of exemplary embodiments is provided. Embodiments of the invention provide for protecting content on a network from unauthorized use when a device is removed from a network. When a device is removed from a network, it acknowledges removal and a list of devices in the network is altered. Further, an encryption key for network devices is recalculated based on the modified list. Figure 3 illustrates a method for removing a device from a network and paragraphs [0065] – [0072] describe the method. This method prevents users from removing content from a network in an unauthorized manner.

Claims 1, 4, 6-8, 11, 13-15, 98 and 99 were rejected under 35 U.S.C. § 103 as being unpatentable over IBM Oct. 2001 (IBM Response to DVB-CPT Call for Proposals for Content & Copy Management: xCPCluster Protocol) in view of Xu. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “recalculating the encryption key for all the devices remaining in the network and the protected content, using the modified list; and the authorization table.” Neither IBM Oct. 2001 nor Xu teaches or suggests this feature. In applying the references the Examiner cites to IBM Oct. 2001 as allegedly teaching this feature. The Examiner cites to page 7, paragraph 9 as teaching altering a binding key whenever a new device is introduced into the home. This is contrary to claim 1, which details a method of securely **removing** a device, not adding a device. The recalculating step in claim 1 is based on the modified list and the authorization table after a device is removed. A reading of the entire claim 1 reveals that the modified list is modified by a device being marked for removal and that the removal of the device is recorded in the authorization table. The recalculating of claim 1, when properly read in light of the entire claim, is not taught by IBM Oct. 2001 as IBM Oct. 2001 deals with adding a device to a network, not removal.

Further, IBM Oct. 2001 does not teach “recalculating the encryption key for all the devices remaining in the network and the protected content, **using the modified list; and the**

**authorization table.”** IBM Oct. 2001 makes reference to a media key, a network’s binding ID and a network’s authorization table. There is no teaching in IBM Oct. 2001 of using a list of devices in the network as part of the calculation of an encryption key. Xu also fails to teach this feature. In Xu the system updates a decryption key when a user terminates a multicast session (column 7, lines 13-17). Xu fails to teach recalculating a decryption key using a modified list and an authorization table. Thus, even if IBM Oct. 2001 and Xu are combined, these features of claim 1 cannot be taught.

The Examiner acknowledges that IBM Oct. 2001 fails to teach “tentatively marking the device for removal, by modifying the list of the plurality of devices in the network, wherein the list of the plurality of devices is included in an authorization table.” The Examiner relies on Xu as allegedly teaching this feature. Applicants respectfully disagree. Xu broadly teaches updating a decryption key when a device terminates a session or at discrete intervals (column 7, lines 13-16). There is no reference that a device is marked for removal or that the device is being removed from the network. The device has terminated a session, not been removed from the network. Nor is there any teaching of modifying a list of devices that is included in an authorization table. The description of updating the decryption key discussed in Xu is sparse and simply does not include the features of claim 1. Thus, even if IBM Oct. 2001 and Xu are combined, the features of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over IBM Oct. 2001 in view of Xu. Claims 4, 6, 7 and 98 variously depend from claim 1 and are patentable over IBM Oct. 2001 in view of Xu for at least the reasons advanced with reference to claim 1.

Claim 8 recites features similar to those discussed above with reference to claim 1 and is patentable over Xu in view of Alve for at least the reasons advanced with reference to claim 1. Claims 11, 13-15 and 99 depend from claim 8 and are considered patentable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 09-0441.

Respectfully submitted,

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